

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**FILED**

DEC 21 2007

CLERK, U.S. DISTRICT COURT

By

Deputy

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ORIGINAL

LINDA PATTERSON JOHNSON,

Plaintiff,

v.

CITY OF DALLAS,

Defendant.

CIVIL ACTION NO. \_\_\_\_\_

**307 CV 2132 - N**

1/17/18

**PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff LINDA PATTERSON JOHNSON, files this her Original Complaint and Jury Demand against Defendant, CITY OF DALLAS, to redress certain grievances arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* For cause of action, Plaintiff would show this Court as follows:

**I. PARTIES**

1. Plaintiff is a citizen and resident of Dallas, Texas.
2. Defendant is a municipality which may be served by delivering citation to Deborah Watkins, City Secretary, City of Dallas, Dallas City Hall, 1500 Marilla Street, Room 5D South, Dallas, Texas 75201.

**II. JURISDICTION AND VENUE**

3. This Court has jurisdiction over this matter pursuant to 42 U.S.C. § 2000e-5(f)(3), 29 U.S.C.

§ 621, et seq., and 28 U.S.C. § 1331, 1334. Venue in this district is proper under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391(b). Defendant is an employer within the meaning of 42 U.S.C. § 2000e(b), and 29 U.S.C. § 630(b). Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission on or about July 20, 2005 within three hundred (300) days of Defendant's discriminatory conduct. Plaintiff received a Notice of Right to Sue from the Department of Justice on or about September 28, 2007, relating to her Title VII claims and from the EEOC on or about October 3, 2007, relating to her ADEA claims. This suit is filed within ninety (90) days of receipt of the Right to Sue Letters from the EEOC and the Department of Justice. Based on the foregoing, all jurisdictional prerequisites to this suit have been met.

### **III. FACTUAL BACKGROUND**

4. Plaintiff was an employee of the City of Dallas Police Department. She began her employment with the City of Dallas in 1973 and worked continuously in various positions with the Police Department until her constructive termination on or about August 2, 2006.

5. In her first year with the Department, she worked in the Special Operation Division, Tactical Unit prior to transferring to Southeast Division, Patrol Bureau. In approximately 1977 she was assigned to the newly formed Explosive Ordnance Unit as a Bomb Technician. Subsequently, she served as a Bomb Technician for approximately seven (7) years before transferring out of that unit in order to obtain a promotion. Subsequently, after having been passed over on several occasions for assignment into the Supervisory Officer of the Explosive Ordnance Squad, she was awarded that position in approximately 1991, a position which she held for the next approximately fourteen (14) years until on or about June 22, 2005 when she was notified that effective June 29, 2005 she was being transferred/reassigned from the Homeland Security and Special Operations Division,

Explosive Ordnance Squad, to the position of Second Watch Station Sergeant at the Central Patrol Division. Subsequently, she was placed in the position of Supervisor to the Central Patrol Division. However, on July 5, 2005, she was informed that she would be a Uniform Street Patrol Supervisor, 110 Sector Sergeant and, in the event that she had not yet received her uniform in a reasonable amount of time, that she would have to ride in a squad car without a uniform.

6. At the time of her transfer/reassignment from her long standing position as Supervisory Officer of Explosive Ordnance Squad, she was fifty-five (55) years of age, with a birthdate in 1949.

7. Upon information and belief, Plaintiff's transfer/reassignment followed on the heels of an orchestrated effort on the part of her superiors to denigrate Plaintiff's reputation, get her to retire, and to take the Bomb Squad in a "new and different direction."

8. Following the transfer/reassignment, Plaintiff experienced serious medical concerns and utilized her available sick leave and personal leave until approximately August 2, 2006 when, faced with serious concerns regarding her safety should she return to a position as assigned in the Central Patrol Division, where she would be dependent upon other officers for her safety and protection, Plaintiff determined she had no reasonable choice other than to retire from her position, which she did effective August 2, 2006.

9. Upon Plaintiff's transfer/reassignment, she was replaced in the Explosive Ordnance Unit by a substantially younger male who was not trained and did not have a similar level of skill and experience as the Plaintiff.

#### IV. CAUSES OF ACTION

##### A. SEX DISCRIMINATION UNDER 42 U.S.C. § 2000e-2(a)1

10. Plaintiff re-alleges and re-incorporates the allegations contained in paragraph 1-9 as if fully

contained herein.

11. Defendant's action in transferring/reassigning Plaintiff from the position of Supervisory Officer of the Explosive Ordnance Squad to Sergeant of Police, Central Patrol Division, Patrol East Bureau, constituted illegal discrimination on the basis of Plaintiff's sex, female, in violation of 42 U.S.C. § 2000e-2(a)1. As a result of Defendant's actions, Plaintiff has suffered pecuniary losses including, but not limited to, lost wages and other benefits associated with employment.

12. Plaintiff has also suffered non-pecuniary losses including, but not limited to, physical injury, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

13. Defendant's actions were done with malice and/or with reckless indifference to Plaintiff's federally protected rights. Plaintiff is therefore entitled to compensatory and/or punitive damages under 42 U.S.C. § 1981A.

14. Plaintiff seeks reinstatement and/or frontpay.

15. Plaintiff seeks attorneys' fees and costs of suit, including expert witness fees under 42 U.S.C. § 2000e-5(k).

**B. AGE DISCRIMINATION**

16. Plaintiff re-alleges and re-incorporates the allegations contained in paragraphs 1 through 15 as if fully stated herein.

17. Defendant's action in transferring/reassigning Plaintiff from the position of Supervisory Officer of the Explosive Ordnance Squad to Sergeant of Police, Central Patrol Division, Patrol East Bureau constitutes illegal discrimination in the basis of Plaintiff's age, in violation of 29 U.S.C. § 623(a). As a result of Defendant's discriminatory practices, Plaintiff has and will incur lost wages

and benefits for which she hereby sues.

18. Defendant's conduct constitutes a willful violation of the ADEA within the meaning of 29 U.S.C. § 626(b), thus entitling Plaintiff to liquidated damages.

19. Plaintiff seeks reinstatement and/or frontpay.

20. Plaintiff also seeks attorneys' fees and costs of suit, including reasonable expert fees under 29 U.S.C. § 626(b).

#### **V. JURY DEMAND**

Plaintiff hereby makes a demand for a trial by jury on all claims in this action.


#### **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff JOHNSON requests that Defendant be summoned to appear and answer and that on final trial, judgment be granted against Defendant and that JOHNSON be awarded the following:

- a. Backpay including, but not limited to, lost wages and other employment benefits;
- b. Reinstatement or in the event reinstatement is not feasible, frontpay with respect to all pay and benefits JOHNSON would have received but for her constructive termination;
- c. Liquidated damages and/or compensatory damages in the maximum amount allowed by law;
- d. Prejudgment and postjudgment interest as allowed by law;
- e. Attorneys' fees and expert fees and costs of suit; and
- f. Such other and further legal and/or equitable relief to which JOHNSON may be justly entitled, as this Court may deem proper.

Respectfully submitted,

GILLESPIE, ROZEN, WATSKY & JONES, P.C.

By:   
Yona Rozen  
Texas State Bar No. 17358500  
3401 Oak Grove Avenue, Suite 200  
Dallas, Texas 75204  
Telephone: (214) 720-2009  
Facsimile: (214) 720-2291  
E-mail: [yrozen@grwlawfirm.com](mailto:yrozen@grwlawfirm.com)

JS 44 (Rev. 10/06)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> LINDA PATTERSON JOHNSON	<b>DEFENDANTS</b> CITY OF DALLAS
<b>(b)</b> County of Residence of First Listed Plaintiff <u>DALLAS</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>DALLAS</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number) Yona Rozen, Gillespie, Rozen, Watsky & Jones, P.C. 3402 Oak Grove Ave., Ste. 200, Dallas, TX 75204 (214) 720-2009	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (For Diversity Cases Only)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

**VI. CAUSE OF ACTION** Brief description of cause: Sex Discrimination under 42 U.S.C. § 2000e; Age Discrimination under 29 U.S.C. § 623(a)

**VII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ unliquidated CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) PENDING OR CLOSED** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE SIGNATURE OF ATTORNEY OF RECORD

Dec 21, 2007

Yona Rozen

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_